

REMARKS

The present amendments and remarks are in response to the Office Action of April 20, 2006. Claims 1- 26 are currently pending.

Reconsideration of the application is respectfully requested in view of the following responsive remarks. For the Examiner's convenience and reference, the Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

In the Office Action, the following rejections were issued:

- (1) Claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Application No. 2004/0145088 (hereinafter "Patel"); and
- (2) Claims 20-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Patel in view of U.S. Patent No. 6,375,874 (hereinafter "Russell").

Rejections under 35 U.S.C. 103(a)

Before discussing the obviousness rejections herein, it is thought proper to briefly state what is required to sustain such a rejection. The issue under § 103 is whether the PTO has stated a case of *prima facie* obviousness. According to MPEP § 2142, the Examiner has the burden and must establish a case of *prima facie* obviousness by showing the prior art reference, or references combined, teach or suggest all the claim limitation in the instant application. Further, the Examiner has to establish some motivation or suggestion to combine and/or modify the references, where the motivation must arise from the references themselves, or the knowledge generally available to one of ordinary skill in the art. The Applicants respectfully submit that the Examiner has not satisfied the requirement for establishing a case of *prima facie* obviousness in this rejection.

Rejections over Patel

Claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Patel. Patel discloses a process for forming a three-dimensional article. The three-dimensional article is produced by depositing a layer of a first material over the surface of a build platform within an enclosure (Paragraphs 0061 and 0063). A second material in

the form of a liquid reagent is jetted onto the layer of the first material, such that the second material reacts with the first layer to form a cured lamina. These steps are repeated until a three-dimensional article is built-up of cured layers (Paragraph 0009).

In addition to the arguments presented in previous office actions regarding Patel, the Applicants assert that Patel does not teach the use of an interleaving process for building the three dimensional objects as required by currently pending claims 1 and 13. The interleaving process involves “gaps in coverage produced by the first ink-jettable composition remain[ing] open to be filled by the second ink-jettable composition.” One example of the process is set forth in Figures 2A and 2B. Nothing in Patel et al. teaches the use of an interleaving process in three dimensional printing. As such, each and every element of the pending claims is not taught in the cited reference and therefore, no *prima facie* case of obviousness has been presented. In light of the above arguments, it is respectfully requested that the rejection be withdrawn and the claims be allowed.

Rejections over Patel in view of Russell

Claims 20-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Patel in view of Russell. Because claims 20 and 21 depend from claim 13, it is assumed that these claims will be allowable along with claim 13 as discussed above.

With regards to claims 22-26, independent claim 22 has been amended similarly to claims 1 and 13 to require that the product is made using an interleaving process. As discussed above, Patel et al. does not teach or disclose the use of an interleaving process for use in three dimensional printing. Similarly, Russell et al. does not teach the use of an interleaving process. As such, the combination of Patel et al. and Russell do not teach each and every element of the pending claims. Therefore, it is respectfully requested that the rejection be withdrawn and the claims 20-26 be allowed.

CONCLUSION

In view of the foregoing, Applicants believe that claims 1-26 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains, and such impediment could be resolved during a telephone interview, the Examiner is invited to telephone the undersigned so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 08-2025.

Dated this 20th day of September, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary P. Oakeson", is written over a horizontal line.

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